

REMARKS

The Office Action has set forth a restriction requirement to one of the following groups:

- (I) claims 1-18, 77-84, 91-93; drawn to a pharmaceutical composition (class 514, subclass 12);
- (II) claims 19-36; drawn to a method for reducing side effects associated with administration of a pharmaceutical composition (class 514, subclass 922);
- (III) claims 37-43; drawn to a method of inhibiting microbial growth in a pharmaceutical composition (class 530, subclass 402);
- (IV) claims 44-50; drawn to a method for inhibiting oxidation of a pharmaceutical composition (class 530, subclass 402);
- (V) claims 51-63; drawn to a method for enhancing transport of a pharmaceutical agent (class 514, subclass 44);
- (VI) claims 64-76; drawn to a method for enhancing binding of a pharmaceutical agent (class 514, subclass 44); and
- (VII) claims 85-90; drawn to a method for increasing transport of a pharmaceutical agent (class 424, subclass 198.1);

Applicants elect, with traverse, the claims of Group I (i.e., claims 1-18, 77-84, 91-93) drawn to pharmaceutical composition comprising a pharmaceutical agent and carrier, for examination.

According to the Office, inventions of the present application are distinct, each from the other, because of the following reasons: inventions I and II-VII are related as product and process(es) of use, but inventions II-VII are unrelated since each of the claimed methods have different functions and serve distinct purposes.

A restriction requirement is proper only if (1) the inventions are independent or distinct as claimed, and (2) examination of the claims of one group with another group would pose a serious burden on the Examiner even though the groups are directed to distinct or independent inventions.

Applicants respectfully submit that the Restriction Requirement severing Groups I and II-VII is improper because the search would overlap. For example, the inventions of Groups I, II, V, and VI are classified in class 514. Further the Restriction Requirement severing Groups III and IV and V-VII is improper because the nature of the claims is such that any burden encountered in searching the groups together would, at most, be slight (and certainly not "serious"). In this respect, all of the subject matter of Groups III and IV, that is, claims 37-43 and 44-50, involve a

pharmaceutical composition comprising a pharmaceutical agent and a pharmaceutically acceptable carrier. As stated in the Office Action, claims 37-43 and 44-50 are classified in class 530 and subclass 402. Consequently, a search of Groups III and IV together would necessarily overlap. The inventions of Groups V, VI, and VII are drawn to methods of enhancing delivery of pharmaceutical agents, for example, enhancing transport of an agent to the site of infirmity, enhancing binding of an agent to a cell, and increasing transport of an agent to a cell. Groups V and VI have the same classification, that is, class 514; subclass 44. Thus, a search of Groups V and VI together would necessarily overlap. Applicants submit that a prior art search with respect to Group VII would likely uncover references that would be uncovered during examination of Groups V and VI.

Accordingly, it is submitted that there is sufficient similarity between the claims of Groups III and IV and between Groups V-VII to allow for the search and examination of all the claims of Groups III and IV and Groups V-VII at the same time without a "serious burden" being placed on the Examiner. Applicants, therefore, respectfully request withdrawal of the restriction requirement as between the claims of Groups III and IV and between the claims of Groups V-VII. Similarly, it is submitted that there is sufficient overlap in the searches for the inventions of all of Groups I-VII that there would not be a serious burden on the Examiner. Accordingly, applicants respectfully request that the restriction requirement be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Bruce M. Gagala, Reg. No. 28,844
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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